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Voted at Meeting of 8/18/77

MEMORANDUM

August 18, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert F. Walsh, Director  
SUBJECT: Zoning: Revised Version of Group Care Residences Text Amendment

The July 28 memorandum on the subject of group care residences recommended establishing a new use item for group care residences for five to twelve mentally ill, mentally retarded, or physically handicapped persons, and making the use allowed in residential zoning districts provided that such facilities were 1500 feet apart. Halfway houses for ex-drug addicts, ex-alcoholics, or pre- or post-release prisoners would have remained in their present lodging or board house category, which is forbidden in single family districts and conditional in other residential districts.

Since the earlier memo, the question has come up of whether there are not so many legal lodging and boarding houses in some sections of the city that a halfway house could easily find quarters without seeking a conditional use permit. There are at least two current instances where this loophole is being considered. Although there is considerable neighborhood opposition in both cases, no zoning review by the Board of Appeal will be necessary.

The attached version of the amendment would remedy this situation. Proposed are two categories: "limited" and "general" group care residences. The former would not exceed twelve physically or mentally handicapped persons plus resident staff and would be licensed, regulated, or operated by the Commonwealth. This use would be allowed in all districts where residences are allowed, providing that no such facility was within 1,500 feet of another such facility. The "general" group care residence would not be limited in the number or type of residents, nor would it need to be sanctioned by the Commonwealth. It would be a conditional use in all districts except forbidden in heavy industrial or waterfront industrial districts.

In view of the fact that the Authority has already held one public hearing in regard to the use item now called "limited" group care residence, and in the interest of closing a loophole in regard to the conversion of legal lodging houses to halfway houses without Board of Appeal action, I recommend that the Authority consider authorizing the Advisor to the Zoning Commission to petition for the attached proposed amendment to the Zoning Code without further delay.

A suitable vote follows.



Text Amendment Application No. 61  
Advisor to the Zoning Commission  
Group Care Residences

TO THE ZONING COMMISSION  
OF THE CITY OF BOSTON:

The Advisor to the Zoning Commission hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By inserting in Section 2-1, respecting the meaning of certain words and phrases, below clause (22) the following clause:

(22A) "Group care residence, general", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or persons with behavioral problems, but not including the residential care of mentally ill, mentally retarded, or physically handicapped persons if such care is licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth.

2. By inserting in Table A of Section 8-7, below Use Item No. 7 the following heading and use item:

GROUP CARE RESIDENCES

7A Group care residence, general, as defined in  
Section 2-1, clause 22A..... CCC/CC/CFF

3. By inserting in Section 23-1, respecting off-street parking for residential uses, in the enumeration of use item numbers, following the number 7 the following number:

7A

4. By inserting in Section 24-1, respecting off-street, loading requirements, in the listing of Group 1 Uses, following the number 7 the following number:

7A

Petitioner: Advisor to the Zoning Commission

By: \_\_\_\_\_

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Date: \_\_\_\_\_